

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NO. 3:17-CV-2989-D

\$4,480,466.16 IN FUNDS SEIZED FROM
BANK OF AMERICA ACCOUNT
ENDING IN 2653;

\$146,370.00 IN FUNDS SEIZED FROM
BANK OF AMERICA ACCOUNT
ENDING IN 0252;

\$77,437.59 IN FUNDS SEIZED FROM
CHARLES SCHWAB ACCOUNT
ENDING IN 8588;

\$263.47 IN FUNDS SEIZED FROM
WELLS FARGO ACCOUNT ENDING
IN 2092;

\$9,668.28 IN FUNDS SEIZED FROM
BANK OF UTAH ACCOUNT ENDING
IN 2251;

\$2,814.51 IN FUNDS SEIZED FROM
BANK OF UTAH ACCOUNT ENDING
IN 0784;

A 2014 LAMBORGHINI AVENTADOR
(VIN ZHWUR1ZD0ELA02916);

A 2016 FERRARI 488 (VIN
ZFF80AMA0G0219421);

A 2017 BENTLEY CONTINENTAL GT
V8 (VIN SCBFH7ZA0HC063118);

A 2017 MERCEDES-BENZ AMG S63
(VIN WDDUG7JB4HA325753);

A 2016 MERCEDES-BENZ G63 (VIN
WDCYC7DF4GX258941);

A 2016 DODGE RAM 2500 (VIN
3C6UR5DL1GG314858);

A 2016 BMW ALPINA (VIN
WBA6D6C54GGK18160)

REAL PROPERTY KNOWN AS 14888
LAKE FOREST DRIVE, DALLAS,
TEXAS;

\$11,005.00 IN FUNDS SEIZED FROM
CAPITAL ONE ACCOUNT ENDING IN
2713;

Defendants in rem.

UNITED STATES' SECOND AMENDED COMPLAINT FOR FORFEITURE

The United States of America files its second amended complaint in rem against the defendant property, pursuant to Federal Rule of Civil Procedure 15(a)(2) and this Court's April 26, 2018 order (Dkt. 88), and in support states:

I. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction of this cause of action in rem by virtue of the provisions of 28 U.S.C. §§ 1345 and 1355(a). Venue is proper under 28 U.S.C. § 1355(b)(1) because acts giving rise to the forfeiture occurred in this district.

2. The statutory basis for this suit is 18 U.S.C. § 981(a)(1)(c). Also applicable are 28 U.S.C. §§ 2461 and 2465, 18 U.S.C. §§ 983 and 985, and Supplemental Rule G.

3. Pursuant to the provisions of 18 U.S.C. § 985(a), actions against real property are to be brought in the United States District Court.

II. THE DEFENDANT PROPERTY AND ITS LOCATION

4. The defendant property in this suit is as follows:

- a. \$4,480,466.16 in funds seized from Bank of America account ending in 2653 on or about September 20, 2017, maintained in the name of Retail Ready Career Center;
- b. \$146,370.00 in funds seized from Bank of America account ending in 0252 on or about September 20, 2017, maintained in the name of Retail Ready Career Center;
- c. \$77,437.59 in funds seized from Charles Schwab account ending in 8588 on or about September 20, 2017, maintained in the name of Jon Davis;
- d. \$263.47 in funds seized from Wells Fargo account ending in 2092 on or about September 20, 2017, maintained in the name of Jon Davis;
- e. \$9,668.28 in funds seized from Bank of Utah account ending in 2251 on or about September 20, 2017, maintained in the name of Trades United;
- f. \$2,814.51 in funds seized from Bank of Utah account ending in 0784 on or about September 20, 2017, maintained in the name of Clear Conscience;
- g. One 2014 Lamborghini Aventador (VIN: ZHWUR1ZD0ELA02916), seized on October 6, 2017;
- h. One 2016 Ferrari 488 (VIN: ZFF80AMA0G0219421), seized on October 6, 2017;
- i. One 2017 Bentley Continental GT V8 (VIN: SCBFH7ZA0HC063118), seized on October 11, 2017;
- j. One 2017 Mercedes-Benz AMG S63 (VIN: WDDUG7JB4HA325753), seized on October 11, 2017;

- k. One 2016 Mercedes-Benz G63 (VIN: WDCYC7DF4GX258941), seized on October 11, 2017;
- l. One 2016 Dodge Ram 2500 (VIN: 3C6UR5DL1GG314858), seized on October 11, 2017;
- m. One 2016 BMW Alpina (VIN: WBA6D6C54GGK18160), seized on October 23, 2017;
- n. Real property located at 14888 Lake Forest Drive, Dallas, Texas, also known as LOT 1, BLOCK A, OF A REPLAT OF LAKE FOREST ADDITION, AN ADDITION TO THE CITY OF ADDISON, DALLAS COUNTY, TEXAS, ACCORDING TO THE REPLAT THEREOF RECORDED IN VOLUME 94205, PAGE 1934, MAP RECORDS, DALLAS COUNTY, TEXAS, AS CORRECTED BY CERTIFICATE OF CORRECTION RECORDED IN VOLUME 94226, PAGE 300, DEED RECORDS, DALLAS COUNTY, TEXAS; and
- o. \$11,005.00 in funds seized from Capital One account ending in 2713 on or about October 23, 2017, maintained in the name of Melissa Richey.

(collectively, the defendant property).

5. Except for the real property described in the above paragraph 4.n, the defendant property was seized in Dallas County, Texas. The personal property has been turned over to the United States Marshals Service in Dallas, Texas, who maintains custody of it. The real property will not be arrested, but notice of this complaint will be posted upon item 4.n in accordance with 18 U.S.C. §§ 985(c)(1)(B) and (c)(3) (Supplemental Rule G(3)(a)), and a notice of *lis pendens* describing this forfeiture action has been filed in the property records of Dallas County, Texas.

III. NOTICE AND POTENTIAL CLAIMANTS

6. The names and last known addresses of those individuals or entities reasonably appearing to the government at this time to be potential claimants to the defendant property are:

Jonathan Davis, in his individual capacity and on behalf of Retail Ready Career Center; Tess Davis; Lake Forest Drive Properties, Inc.; Clear Conscience, LLC; Trades United, Inc.; and Melissa Richey
c/o Derek Staub
Cooper & Scully PC
900 Jackson, Suite 100
Dallas, Texas 75202

Retail Ready Career Center
c/o Jack Ternan
Ternan Law Firm, PLLC
1400 Preston Road, Suite 400
Plano, Texas 75093

7. Notice of this complaint will be provided to the above-listed individuals through their counsel, who have filed appearances in this case.

IV. FACTS AND BASIS FOR FORFEITURE

8. The defendant property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because it is derived from proceeds traceable to a violation, violations, or conspiracy to violate 18 U.S.C. § 1031, 18 U.S.C. §§ 286 and 371, 18 U.S.C. § 641, 18 U.S.C. § 1001, 18 U.S.C. § 1341, and 18 U.S.C. § 1343. This is shown by the Verification Affidavit in Support of the United States' Second Amended Complaint for

Forfeiture of Special Agent Miguel Coias, filed under seal, and incorporated as Plaintiff's Exhibit 1, in the Appendix filed in support of this second amended complaint.¹

V. RELIEF SOUGHT

THEREFORE, the United States requests the following:

- A. The notice of this forfeiture action against the defendant real property be posted by the United States Marshal or his designee authorized by law on the defendant real property in accordance with 18 U.S.C. § 985(c)(1)(B);
- B. That the Clerk of the Court issue a warrant for arrest in rem of the defendant personal property pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;
- C. That the United States Marshal's Service arrest the defendant personal property, pursuant to the warrant, as provided by Rule G(3)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;
- D. Publication of notice of this forfeiture action be made by posting notice on the official government internet site, www.forfeiture.gov, for at least 30 consecutive days, in accordance with Supplemental Rule G(4)(a).
- E. Direct notice of this forfeiture action be given to those persons who reasonably appear to be potential claimants in accordance with Supplemental Rule G(4)(b).

¹ Copies of the affidavit filed under seal will be transmitted to all known Claimants.

F. All persons having any interest in or right against the defendant property be advised by the public notice or the direct notice to timely file in this court a verified claim identifying the interest or right to the defendant property as required by Supplemental Rule G(5)(a) and 18 U.S.C. § 983(a)(4)(A); and to file an answer to this Complaint for Forfeiture or motion under Federal Rule of Civil Procedure 12 in the manner required by the Supplemental Rule G(5)(b) and 18 U.S.C. § 983(a)(4)(B). Further, any person filing a verified claim of interest or right and/or an answer shall serve a copy on Joseph A. Magliolo, Assistant United States Attorney, 1100 Commerce Street, Suite 300, Dallas, Texas 75242.

G. At the conclusion of this proceeding, the defendant property be condemned by order and judgment of this court and declared and decreed to be forfeited to the United States of America in accordance with law.

H. All costs and expenses incurred by the United States in obtaining the forfeiture of the defendant property be appropriately taxed against any person or entity who may file a verified claim and answer herein, and/or if more than one person or entity files a verified claim and answer herein be jointly taxed and prorated among them, as the court deems just and equitable.

I. The United States have such other and further relief, at law or in equity, to which it may show itself justly entitled.

Respectfully submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY

/s/ Joseph A. Magliolo
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that on May 24, 2018, I electronically filed this document with the Clerk for the United States District Court, Northern District of Texas, using the electronic case filing (“ECF”) system. The ECF system will send a “Notice of Electronic Filing” to all parties/counsel for record who have consented in writing to accept the Notice as service of this document by electronic means.

/s/ Joseph A. Magliolo
JOSEPH A. MAGLIOLO
Assistant United States Attorney

I, Miguel Coias, declare under penalty of perjury that the following is true and correct to the best of my knowledge.

I am a Special Agent for the Department of Veterans Affairs – Office of Inspector General Criminal Investigations Division. I have been assigned to assist in the forfeiture of the defendant property. I have read the foregoing Second Amended Complaint for Forfeiture and Verification Affidavit filed in support and know their contents. The information in the Second Amended Complaint and Verification Affidavit has been furnished from official government sources and, based on information and belief, the allegations contained in both are true and correct.


Miguel Coias, Special Agent
United States Department of Veterans Affairs
Office of the Inspector General
Criminal Investigations Division

Sworn and Subscribed before me on this 22nd day of May, 2018.

